

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARY E. MILLER, :
Plaintiff, : Case No. 3:11cv00284
vs. :
MICHAEL J. ASTRUE, : District Judge Thomas M. Rose
Commissioner of the Social : Magistrate Judge Sharon L. Ovington
Security Administration, :
Defendant. :

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DECISION AND ENTRY

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #11), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on July 23, 2012 (Doc. #11) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Mary E. Miller is under a "disability" within the meaning of the Social Security Act;
4. This case is remanded to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. §405(g) for further consideration consistent

with the Report and Recommendations, and this Decision and Entry; and,

5. The case is terminated on the docket of this Court.

August 10, 2012

THOMAS M. ROSE

Thomas M. Rose
United States District Judge